



Attorney Docket 044463-0264

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan PHILLIPS et al.
Title: VASCULAR-PREFERRED PROMOTERS
Application No.: 10/717,897
Filing Date: 11/21/2003
Examiner: Cynthia E. Collins
Art Unit: 1638
Confirmation No.: 9078

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

09/06/2006 JADD01 00000004 10717897

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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), prior to the mailing date of either a final action or a notice of allowance. Accordingly, pursuant to 37 CFR §1.97(c), a statement or fee is required. The required fee as set forth in § 1.17(p) is enclosed.

RELEVANCE OF EACH DOCUMENT

Documents C1 and C2 are publications of co-pending U.S. patent applications. Documents C3 and C23 were cited in an office action in a corresponding U.S. patent application. Documents C4-C22, C24, and C25 were cited in an Information Disclosure Statement in the same corresponding application. Documents C1-C25 are in English.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741.

Respectfully submitted,

Date

September 5, 2006

By

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**Date Submitted: September 5, 2006

(use as many sheets as necessary)

Sheet 1 of 2**Complete if Known**

Application Number	10/717,897
Filing Date	11/21/2003
First Named Inventor	Jonathan PHILLIPS
Group Art Unit	1638
Examiner Name	Cynthia E. Collins
Attorney Docket Number	044463-0264

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	C1	2004-0146904	A1	PHILLIPS	07/29/2004	
	C2	2004-048595	A1	PHILLIPS	06/10/2004	
	C3	6,596,925	B1	PERERA et al.	07/22/2003	
	C4	60/476,222		CHANG et al.	06-06-2003	
	C5	2003-0101478	A1	PERERA et al.	05-29-2003	
	C6	6,506,559		FIRE, et. al.	01/14/2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	C7	WO	01/98485	A1	GENESIS RESEARCH & DEVELOPMENT CORPORATION LIMITED	12/27/2001		
	C8	WO	2004/108903	A2	ARBORGEN, LLC	12/16/2004		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C9	ARONEN, Tuija, "Genetic transformation of Scots pine (<i>Pinus sylvestris</i> L.), Dissertation Metsäntutkimuslaitoksen tiedonantoja 595, 1996, pp. 8-53.	
	C10	AUSUBEL, et al., (eds.), "Current Protocols in Molecular Biology", (John Wiley & Sons, Inc.), (1990)	
	C11	AUSUBEL, et al., (eds.), "Short Protocols in Molecular Biology", 3 rd ed. (John Wiley & Sons, Inc.), (1995)	
	C12	BUGOS et al., "cDNA cloning, sequence analysis and seasonal expression of lignin-bispecific caffeic acid/5-hydroxyferulic acid O-methyltransferase of aspen," Plant Molecular Biology, vol. 17, 1991, pp. 1203-1215.	
	C13	ELLIS et al., "Stable transformation of <i>Picea glauca</i> by Particle Acceleration," BIOTECHNOLOGY, Vol. 11, January 1993, pp. 84-89.	
	C14	GLEAVE et al., "A versatile binary vector system with a T-DNA organizational structure conducive to efficient integration of cloned DNA into the plant genome," Plant Molecular Biology, Vol. 20, 1992, pp. 1203-1207.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: <u>September 5, 2006</u> (use as many sheets as necessary)		Application Number	10/717,897
		Filing Date	11/21/2003
		First Named Inventor	Jonathan PHILLIPS
		Group Art Unit	1638
		Examiner Name	Cynthia E. Collins
Sheet	2	of	2
		Attorney Docket Number	044463-0264

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C15	GOWRI et al., "Stress Responses in Alfalfa (<i>Medicago sativa</i> L.), Plant Physiol., Vol. 97, 1991, pp. 7-14.	
	C16	HUANG et al., "Agrobacterium rhizogenes-mediated genetic transformation and regeneration of a conifer: <i>Larix Decidua</i> ," In Vitro Cell. Dev. Biol., Vol. 27P, October 1991, pp. 201-207.	
	C17	IZAWA et al., "Plant bZIP Protein DNA Binding Specificity," J. Mol. Biol., Vol. 230, 1993, pp. 1131-1144.	
	C18	KAWAOKA et al., "Functional analysis of tobacco LIM protein Ntlin1 involved in lignin biosynthesis," The Plant Journal, Vol. 22, No. 4, 2000, pp. 289-301.	
	C19	MARITA et al., "NMR characterization of lignins from transgenic poplars with suppressed caffeic acid O-methyltransferase activity," J. Chem. Soc. Perkin Trans. 1, 2001, pp. 2939-2945.	
	C20	MENKENS et al., "The G-box: a ubiquitous regulatory DNA element in plants bound by the GBF family of bZIP proteins," TIBS, December 1995, pp. 506-510.	
	C21	PEARSON, et al., <i>Proc. Natl. Acad. Sci.</i> , Vol. 85, pp. 2444-2448, (1988) USA	
	C22	PEARSON, <i>Methods in Enzymol.</i> , Vol. 183, pp. 63-98, (1990)	
	C23	Perera, J.R., et al., US-09-598401C-113, sequence alignment between SEQ ID NO:3 and SEQ ID NO:113 of U.S. Patent No. 6,596,925, issued 07-2003.	
	C24	RINGLI et al., "Specific interaction of the tomato bZIP transcription factor VSF-1 with a non-palindromic DNA sequence that controls vascular gene expression," Plant Molecular Biology, Vol. 37, 1998, pp. 977-988.	
	C25	SAMBROOK & RUSSEL, "Molecular Cloning: A Laboratory Manual", 3 rd Ed., Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, (2001)	

Examiner Signature	Date Considered
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